

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DIDONATO,  
Plaintiff,

v.

BLACK & DECKER (U.S.), INC.,  
Defendant.

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No. 20-cv-4425-JMY

**ORDER**

AND NOW, this day 9th day of February 2022, upon consideration of the motion for summary judgment filed by the Defendant, and all papers filed in support thereof and in opposition thereto, it is hereby ORDERED that said Motion shall be GRANTED in part and DENIED in part as follows:

1. Defendant's Motion for Summary Judgment shall be GRANTED as it pertains to Plaintiff's claims based on theories of manufacturing defect, failure to warn and expressed warranties;<sup>1</sup> and

2. Defendant's Motion shall be DENIED in all other regards.

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge  
Judge John Milton Younge

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<sup>1</sup> In his Opposition Brief, Plaintiff indicates that he does not oppose the dismissal of claims based on theories of manufacturing defect, failure to warn or breach of expressed warranty. (Opp. Br. page 12 & 14, ECF No. 20-2; *see also* SJM page 2, ECF No. 20 (Plaintiff's proposed order).) Based on Plaintiff's non-opposition, the Court will dismiss these claims. The Parties are directed to stipulation to dismiss any additional claims that are no longer at issue.